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a practical perspective, the paper will consider the recommendations, their possible effect on the frequency of the defences as well as the management and care of those found not guilty by reason of mental illness.

Ian Dobinson is a senior lecturer at the Law Faculty at the University of Technology, Sydney. Prior to joining the faculty in 2004, Ian Dobinson was an Associate Professor at the School of Law, City University of Hong Kong. He has also taught at Mitchell College, Bathurst (now Charles Sturt University) and been a Research Officer with the NSW Bureau of Crime Statistics and Research. Ian has written, researched and taught extensively in the areas of criminal law and criminal justice. His major research 1983–89 on Drugs and Crime in Australia remains an important pioneering work in the area. During his 13 years in Hong Kong, Ian developed a keen interest in Chinese Criminal Law and, since arriving at UTS, has developed both research and teaching links with leading law schools in China.

Mediation Skills Training: A reflective account

Dr Susan Douglas

Mediation is an area of developing professional practice in its own right. Mediation practice has, since 2008, been subject to a voluntary system of accreditation and practice standards. Not all mediators are lawyers and a study of law is not a prerequisite for practice. Yet mediation and other forms of alternative (or appropriate) dispute resolution are taught in many law schools with a range of theory and skills components. Legal scholars have identified ADR as a significant site for the achievement of the threshold learning outcomes (TLO's) 5 and 6. These TLO's represent a newer emphasis in legal practice on collaboration and communication, and on well-being. Law teachers are gate keepers to these expanding constructions of legal practice, which are particularly evident in ADR scholarship and practice. An emphasis on reflective practice has also gained momentum in legal education as a consequence of efforts to embed practice skills and ethical dimensions into the traditional doctrinal study of law. Reflective practice represents a key concept and skill useful in navigating the sometimes

subtle shifts from traditional legal reasoning in an adversarial context to more holistic approaches that emphasise collaborative outcomes. This paper provides an example of reflective learning by an account of mediation skills training recently undertaken by the author. The account provides reflections on the theoretical and skills components of the training. It highlights issues in relation to the core mediation principles of mediator neutrality and party self-determination. It provides reflections on experiential learning and teaching methods used in the training, including role plays. It also offers an example of reflecting on feelings or emotions elicited by the experience. It offers law teachers an example of what might be sought and might be found in reflective assessment items generally, and for ADR in particular.

Susan Douglas is a lecturer in Business Law with the University of the Sunshine Coast. She has completed a PhD, in which she examined neutrality in mediation. She teaches first year business students, employment law and issues in discrimination law. Sue is particularly interested in non-adversarial justice and well-being in law consistent with the threshold learning outcomes (TLO) for law numbered 5 (communication and collaboration) and 6 (self-management).

Why Alternative Dispute Resolution Must be a Mandatory Subject in the Law Degree

Mr James Duffy & Associate Professor
Rachael Field

The profession of law is deeply steeped in tradition and conservatism. The content and pedagogy employed in law faculties across Australia is similarly steeped in tradition and conservatism. Indeed, the practice of law and our institutions of legal education are in a relationship of mutual influence; a *dénouement* which preserves the best aspects of our common law legal system, but also leaves the way we educate, practice, and think about the role of law, resistant to change. In this presentation, we lay down a challenge to legal education orthodoxy and a call to arms for legal academic progressivists. It is our simple argument that alternative dispute resolution should be a compulsory, stand alone subject in the law degree. There has been traditional pushback against the notion that alternative dispute

resolution should have a place amongst black letter law subjects in the legal curriculum. This position cannot be maintained in the modern day legal climate. We put forward ten simple arguments as to why every law student should be exposed to a semester long course of ADR instruction. With respect to relationships of mutual influence, whether legal education should assimilate the practise of law, or shape the practise of law makes no difference here. Both views necessitate the inclusion of ADR as a compulsory subject in the law degree.

James Duffy is a lecturer in the QUT Faculty of Law. He teaches in first year and final year law subjects, including introduction to law and alternative dispute resolution. James researches into ADR, Non-Adversarial Justice and the Law/Psychology nexus.

Associate Professor Field joined the QUT Law School in 2006. Her key teaching interests are in the first year experience and dispute resolution. Rachael has published widely in her areas of research interest which include dispute resolution, family law, legal education and women and the law. She is also president of the Women's Legal Service, Brisbane.

Gatekeepers Meet Stakeholder Interests: Managing the tensions arising from the changing nature of professional dialogues in legal education

Ms Lynn Du Moulin & Dr Chris Trevitt

The legal profession comprises a range of educational stakeholders: practical educators, academics, practitioners—gatekeepers all, in that they make judgments about students' preparation for practice. Multiple stakeholders mean diverse gatekeeping expectations: to do with professional standards, course content, learning objectives and delivery. Practical legal education courses must prepare students for the vicissitudes and accountabilities of practice by embedding requisite knowledge, cultivating necessary skills and fostering appropriate attributes. They must verify students meet minimum competency standards, accommodate external requirements of curriculum and professional standards, deliver

on student expectations and on the teacher's employer requirements.

Balancing diverse expectations has long been the *raison d'être* of experienced teachers of legal practice. Perversely, it now seems that institutional expectations of teacher performance, while well-meant at one level, are impinging on and/or cutting across the rhythmic pattern of these proven practices.

We wish to find professionally acceptable and dialogic ways to accommodate an increasing institutional management requirement of convenors to achieve a satisfactory—if not exceptional—performance in the institutional student evaluation process, despite the all-too frequent limitations of the questions employed. The presentation will illustrate practical examples of such accommodation for one particular course in the ANU Legal Workshop's Graduate Diploma in Legal Practice (GDLP).

This case study explores stakeholder dialogue and feedback processes that infuse ongoing attempts to successfully balance regulatory gatekeeping pressures, individual teacher agency, professional and institutional performance expectations in everyday educational decision-making processes. We speculate about important personal attributes that make this possible, including extended experience; a well-rehearsed sense of professional integrity, both as a lawyer and educator; knowledge of successful written and oral communication at work; confidence to enact approaches to experiential learning and a capacity to continue learning through self- and peer-directed reflective processes, even after decades 'in-the-job'.

Lynn Du Moulin is currently a senior lecturer (part-time) at the ANU College of Law and teaches in the ANU Legal Workshop Graduate Diploma in Legal Practice, specialising in government practice. Lynn is a Deputy General Counsel in a Commonwealth government department, practising principally in commercial law (procurement, contracting and ICT). She has also worked in areas of e-law, especially PKI and e-health and IP and administrative law. Lynn has worked in parliamentary departments, regulatory agencies and other Commonwealth agencies. The views expressed in this paper are her own. Lynn's research interests include e-commerce,